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Cc: Psyk, Christine[Psyk.Christine@epa.gov]

From: Carlin, Jayne

Sent: Mon 4/8/2013 6:25:43 PM

Subject: REMINDER: Agenda on Tues April 9 Call on OR CZARA: Feds Only (Dave's Office or Nonresponsive

Nonresponsive Review Talking Points Prior to Call

[OR CZARA Talking Points.doc](#)

[Options OR CZARA.docx](#)

[OR CZARA Briefings Table 4-8-13.xlsx](#)

[Oregon CZARA History.docx](#)

[SA and Exhibit A Schedule.xlsx](#)

Hi All:

Please review attached Talking Points prior to call.

OR CZARA: Feds Only

Agenda

Tues April 9 (11-12:30 PST or 2-3:30 EST)

Dave's Office or Nonresponsive code Nonresponsive

Evaluation of Options

- What are Oregon's options with respect to addressing the remaining condition of "additional forestry measures" given their current situation (rule change, implementation ready TMDL, guidance or regulation with attorney general opinion that NPS BMPs can be enforced)?
- How realistic are these options and what is the timeframe for pursuing each option?
- What is our threshold or minimum we can accept?

Consequences of State Not Complying with SA

- What is the threshold for approval for the remaining conditions? What options are available to Oregon to gain approval even if they can't deliver the mid-Coast TMDL for

the additional forestry measures? What options are available with OSDS if Oregon does not go the rule route? How to explain interim conditions? How serious is EPA and NOAA's threat of withholding funds and disapproving the program?

- How do we best explain the consequences of each option to the state agencies?
- What decisions do we need made and when?

Preparation for Upcoming Meetings & Review of Task Chart

- How to best prepare for the upcoming meetings?
- What key messages do we need to communicate in each of the meetings (state agencies, RA & Governor's office meetings)? See attached
- Other Background documents: 1) Revise background paper developed on 3/13 to include how NOAA/EPA funds are used in OR and impacts of reduced funding, clarify impacts on state authority if program is disapproved and letter chronology as appendix (see attached) 2) Develop talking points/key messages (see attached) 3) Develop Settlement Agreement One Page Summary 4) Compare DEQ letters and EPA Xmas Letter 5) Develop threshold for approval paper 6) Revised options paper (see attached). 7) OR CZARA History? 8) SA & Exhibit A Schedule?
- Next steps?

Existing & New Action Items:

- Core staff team review attached talking points
- Dave C will email options paper to Lynda Hall and talk with Don Wayne about call between R10 & EPA HQ management on threshold for approval, and conditions (if any) in which HQ would support withholding 319 funds and CZARA disapproval (who to include at HQ).
- Based on Dave C's information, Bella will schedule a call with EPA and Region 10 (Croxtton, Psyk, Powers, Hall, Keener?) between April 9 & 17th.
- Does NOAA need to have a call or meeting with OR DLCD?
- Jenny will include the OR CZARA litigation in the April 22 meeting between EPA R10 and DEQ. One of the goals is to determine whether DEQ plans to propose an alternative plan to IR TMDL development for additional forestry measures; is the plan laid out in the March 2013 letter the only options DEQ is willing to consider? Does the state plan to "put on the table" an approvable proposal?
- Jenny will find out when DEQ plans to send out another letter with a schedule.

· Jenny will update the background paper to clarify the impacts of losing the CZARA program and associated funding (with Alan's help).

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<http://www.epa.gov/r10earth/tmdl.htm>